## REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 14, 2006 (*"Office Action"*).  Claims 1-10, 12, and 14 are pending, and the Examiner rejects all pending claims.  Applicants respectfully request reconsideration and favorable action in this case.


I.     <u>Section 103 Rejections</u>:  The *Hollingsworth-Ferrel-Belanger* Combination Fails to Teach or Suggest All Elements of Claims 1-10, 12, and 14.

The Examiner rejects Claims 1-10, 12 and 14 under 35 U.S.C. § 103(a) as unpatentable over Workflow Management Coalition the Workflow Reference Model, Hollingsworth D., TC00-1003, Jan. 95 (*"Hollingsworth"*) in view of U.S. Patent No. 5,907,837 issued to Ferrel, et al. (*"Ferrel"*) in further view of U.S. Patent No. 6,628,824 issued to Belanger (*"Belanger"*).  Applicants respectfully traverse the rejection on the ground that the *Hollingsworth-Ferrel-Belanger* combination fails to teach or suggest all limitations of the claims.  Consider Claim 1, which recites:

> A method, comprising the steps of:
> providing a set of predetermined function definitions which are different, at least one of said predetermined function definitions defining a function for editing image data;
> storing a project definition that is operable when executed to edit said image data and which includes: a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition; a further portion which includes a source portion identifying a data source and defining an output port through which said image data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which said image data can be supplied to the data destination; and binding information which includes binding portions that each associate a respective said input port with one of said output ports;
> executing said project definition; and
> automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images.

Applicants respectfully submit that the *Hollingsworth-Ferrel-Belanger* combination fails to teach or suggest all claimed aspects.

Applicants appreciate the Examiner's consideration of and response to Applicants' previously submitted arguments. In response, Applicants provide a more detailed explanation for why the *Hollingsworth-Ferrel-Belanger* combination fails to teach or suggest "automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images," as required by Claim 1.

As teaching these claimed aspects, the *Office Action* points to all three references, but clarifies:

> Although [*Hollingsworth* and *Ferrel*] teach transmitting a communication after edit said image data, they do not explicitly teach where the condition includes a predetermined number of images.
> Belanger teachings in the field of endeavor of automated processing of data, teaching a notification feature including transmitting a communication (col 9/lines 32-42), including transmitting a communication, e.g. a notifying after processing a predetermine number of images data (col 9/lines 22-64).

*Office Action*, p. 4 (sic). Accordingly, Applicants assume that the *Office Action* relies on *Belanger* to teach or suggest "wherein transmitting said communication occurs after editing a predetermined number of images."

Assuming, for the sake of argument, that *Belanger* teaches sending a notification when a predetermined number of images condition is satisfied, *Belanger* still fails to teach or suggest wherein transmitting the communication occurs after <u>editing</u> a predetermined number of images, as required by Claim 1. The cited portions of *Belanger* discuss an alarm or notification feature to be sent or displayed "every ten minutes, every time an image match is found, every time ten image matches are found, when no image match is found, to identify the total number of images . . ." *Office Action*, p. 6 (citing *Belanger*, col. 9, ll. 45-51). Even if *Belanger* teaches <u>processing</u> a predetermined number of images, *Belanger* does not teach or suggest <u>editing</u> a predetermined number of images, much less other claimed aspects.

Applicants thus respectfully submit that *Hollingsworth, Ferrel*, and *Belanger*, whether taken alone or in combination, fail to teach or suggest, "automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images," as required by Claim 1. Likewise, independent Claim 7 includes limitations that, for substantially similar reasons, are not taught

or suggested by the references. Because the *Hollingsworth-Ferrel-Belanger* combination fails to teach or suggest every element of independent Claims 1 and 7, Applicant respectfully requests reconsideration and allowance of Claims 1 and 7, and their respective dependent claims.

**II.    Section 101 Rejections:  Claim 1 Is Directed to Statutory Subject Matter**

The Examiner rejects Claim 1 under 35 U.S.C. 101 as directed to non-statutory subject matter. Applicants appreciate the Examiner's consideration of and response to Applicants' previously submitted arguments. However, Applicants maintain that Claim 1 is, in fact, directed to statutory subject matter.

In response to previously submitted arguments, the *Office Action* expresses the understanding of Applicant's argument to be: "the 'technological arts' test alone is sufficient for patentability." *Office Action*, p. 7. Applicants respectfully submit that this was not Applicant's argument, and, in response, Applicants more fully explain their argument.

In the *Previous Office Action* (mailed September 21, 2005), the Examiner rejected Claim 1, stating:

> The method claim 1 do not seem to be described as being implemented in any tangible and/or limited to any tangible embodiment(s) (e.g. hardware components). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

*Previous Office Action*, p. 7 (sic). Applicants understand this to be the basic reason for rejection presented in the current *Office Action*. However, Applicants respectfully submit that Claim 1 need not be "limited to any tangible embodiment(s) (e.g. hardware components)." Section 101 specifically identifies process claims as patentable subject matter: "As cast, 35 U.S.C. 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent; namely, processes, machines, manufactures and compositions of matter." M.P.E.P. § 2106 (emphasis added). M.P.E.P. § 2106 goes on to explain when processes may be non-statutory subject matter:

> In practical terms, claims define nonstatutory processes if they:
> - consist solely of mathematical operations without some claimed practical application (i.e., executing a "mathematical algorithm"); or
> - simply manipulate abstract ideas, e.g., a bid (*Schrader*, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (*Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.

M.P.E.P. § 2106 (*see* section IV.B.1). Applicants respectfully submit that Claim 1 neither consists solely of mathematical operations nor simply manipulates abstract ideas.

Thus, Applicants respectfully submit that Claim 1 is directed to statutory subject matter. Because Claim 1 is directed to statutory subject matter, Applicants respectfully request reconsideration and allowance of Claim 1.

## CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Kurt M. Pankratz, Attorney for Applicants, at the Examiner's convenience at (214) 953-6584.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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